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ABSTRACT

Emphasizing the need for sound logic in the decision making and policy making process, this paper equates the concept of rationality with the universal audience as a means of analyzing argument, evaluating rhetoric, and persuading audiences. The paper argues that the policy systems paradigm most approximates this objective within the context of rhetoric, argumentation, and advocacy. After setting forth the premises of the policy systems model, the paper considers the following elements of the universal audience: (1) its essence in the matrix of other audiences; (2) argumentation and the rational ordering of uncertainty; (3) "should" resolutions and the rhetoric of policy; (4) convincing, persuading, and the elite position; (5) the culturebound and timebound audience; (6) the political model; (7) the legal model; and (8) the general will and the categorical imperative. (FL)

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A THEORY OF ARGUMENTATION, RHETORICAL CRITICISM AND THE UNIVERSAL AUDIENCE

by

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Introduction

In the past scholars have recognized open-ended roles for argumentation, and alluded to a variety of problems which have resulted from such an application. Bruce Gronbeck, for example, has hinted at the universal nature of argumentation in these words: "As we have attempted to specify and operationalize in some little completeness the concept 'argumentation' understood as an intrapersonal, interpersonal, inter-group, and intercultural process of mutual influence and decision-making, we have experienced a deepening set of identity crises."[1]

Benefits as well as problems have derived from recent trends in argumentation and rhetorical theory. According to Gronbeck:

> ...theory of argumentation over the last fifteen years has been viewed by the new prophets as a poetic rather than a logical enterprise....The traditional theory of argumentation has been successively buffetted by psychologism, phenomenology, dramatism, humanism, and, now, constructivism--poeticizing our vision of what we are about....(Yet) we are fascinated by new claims that rhetoric and argumentation are what makes society and human relations possible at all.[2]

Although it is obvious that argumentation does not always involve the consideration of policy questions, this paper will limit its discussion to such cases. Wayne Brockriede and Douglas Ehninger have long accepted the concept of decision by debate.[3] Indeed, Gronbeck has noted Ehninger and Brockriede urge "that debate ought to be viewed as a method of problem-solving and not just a game, that 'proof' should be understood not abstractly but as proof to and for real people."[4] While problem-solving

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need not necessarily involve policy questions, the fact remains that in most instances it does confront such issues.[5]

Within these limits, Wayne Brockriede and Joseph Wenzel have advanced the wideranging scope of argumentation: "Brockriede's initial observations about argument as a person-centered, open, and variable concept are useful starting points...Brockriede argued in his rejoinder (to Daniel O'Keefe) that the six characteristics of his wholistic construct of argument all applied to the two phenomena identified by O'Keefe."[6] Wenzel likewise was unconcerned with O'Keefe's phenomena, per se, but rather with ways of looking at them, and his analysis cuts across O'Keefe's distinction, in Wenzel's opinion.[7]

At least the option of addressing a universal audience remains open at the conclusion of Ray McKerrow's separate considerations. In his judgment, "...the opposition between process and product views of argument creates unnecessary difficulties in the creation of theory."[8] McKerrow suggests that there is neither a tacit assumption that arguments exist only in particular environments, but that the conditions for such environments can be specified, nor that there is a tacit assumption that arguments possess definable structures, but that the methods of creating and testing such structures can be discerned and applied.[9]

In keeping with McKerrow, Wenzel identifies the three applications found in the term "argument" and correlates them respectively with the perspectives of rhetoric, dialectic and logic. Citing Ehninger and

Brockriede,[10] Wenzel views argument as process, procedure and product. Wenzel expands this definition in the following way:

> Although the three senses are indexed roughly in ordinary language (e.g., 'presenting arguments,' 'engaged in argumentation,' 'judging an argument'), it is the scholar's application of the three senses that is of principal interest. When used by specialists, each sense of the term refers implicitly to a distinct perspective taken in the examination of arguers and their behaviors, and the perspectives are roughly aligned with the disciplines that have historically been concerned with argument. Thus, the three senses correlate respectively with the perspectives of rhetoric, dialectic and logic.[11]

As will be seen, this paper proposes that the universal audience should serve as the ultimate standard for evaluating the soundness of rhetoric and argumentation. While the role of logical structures should not be denigrated, their primary value rests in their ability to persuade the universal audience of their validity. Although Gronbeck sees Perelman and Olbrechts-Tyteca's universal audience as one which bases "adherence and discussion of argumentative techniques upon personal belief and only 'quasi-logical' connectives,"[12] Wenzel suggests that:

> An alternative reading of Perelman and Olbrechts-Tyteca would emphasize the persons who make up the universal audience as the basis for logical judgment. On this view an argument is sound only if it could win the approbation of the universal audience which is defined as consisting of all qualified judges. On this view, furthermore, logical soundness is no longer construed merely in terms of formal structure and self-evidence, but rather is based as well on any substantive criteria that qualified observers invoke. Now, this is a much broader conception of logical criticism than that which is implied in traditional, formal logic. More importantly, perhaps, it is a conception of logical criticism that is considerably more difficult to envision in practice. After all, anyone of ordinary intelligence who can learn the rules of a formal system can apply them, and criticism becomes a relatively simple task. In contrast, it is much harder to conceive of a

> universal audience bringing to bear all the substantive knowledge relevant to a full critique--knowledge of the history of the subject, familiarity with all relevant evidence, awareness of special cases, and so forth. How, then, could this sort of logical criticism be realized? The historic answer has been: through dialectic.
>
> The interlocuter in dialectic may be understood as an amalgam of the rhetorical auditor and the logical critic. The discussants are in fact particular persons, but the critical procedure enjoins them to represent the idealized universal audience. The dialectical interlocuter may thus be construed as a particular person "straining" for universality. Her/his particularity is undeniable and, indeed, influences every actual discourse. But the role of interlocuter, qua interlocuter, is just to endeavor to represent the universal audience of all qualified respondents. That role is intuitively understood by anyone who seriously takes on the role of devil's advocate and tries to raise every legitimate objection to a line of argument.[13]

The relationship between rational discourse and rhetorical criticism was discussed by Henry Johnstone, Jr. in 1973. He argues that if philosophy is a rational enterprise, it is natural to see that rationality is a function of the arguments used by philosophers. Yet there have been few philosophical arguments, if any, the validity of which have not been challenged. Johnstone claims that the rationality of the philosophical enterprise resides precisely in the activity of exposing arguments as invalid. Such exposure is rhetorical since the attitude of the critic, the style of his message, and the nature of his audience are all involved.[14]

The need for adopting a model which best unites theory and criticism was underlined by Gronbeck when he concluded that "perhaps most obviously, we must identify and promote a workable relationship between the theory and the criticism of argumentation."[15] In order to better facilitate

this end, the paper attempts to equate the concept of rationality with the universal audience as a means of analyzing argument, evaluating rhetoric, and persuading audiences to belief, decision and action. It accepts the limited role of quasi-argument but emphasizes the need for sound logic and reasoning in the decision-making and policy-making process.

It is the thesis of this paper that the policy systems paradigm most approximates that objective within the context of rhetoric, argumentation and advocacy. While several comparisons have been made in other works,[16] the purpose of this paper is to set forth the premises of the policy systems model. From this point of view, the following elements of the universal audience are considered: (1) Its essence in the matrix of other audiences, (2) Argumentation and the rational ordering of uncertainty, (3) "Should" resolutions and the rhetoric of policy, (4) Convincing, persuading and the elite position, (5) The culturebound and timebound audience, (6) The political model, (7) The policy systems model, (8) The legal model, (9) The general will and the categorical imperative, and (10) Conclusionary applications.

This work should be considered an entity in itself rather than a consistent representation of Perelman's views. Nevertheless, it should be recognized that Perelman has contributed much to the subject.

Policy Dispute and Uncertainty

Arhumentation can facilitate the rational ordering of uncertainty in a variety of ways, such as by identifying areas of agreement, by isolating areas of disagreement, by offering quasi-logical arguments, and by seeking to predict the outcome of future events. Argumentation promotes rationality in preference expression, and thus encourages the rational ordering of uncertainty. Both by establishing the format of discussion, and in the course of discussion itself, argumentation establishes areas of agreement. Only in this way is there a basis for clash, concensus and resolution among apparently conflicting facts, values and issues. Such intellectual confrontation, or the topoi which emerge from it, develops into an analysis of the implications of these common ideas. The process is accomplished in the following ways:

I. By Identifying Areas of Agreement. The processes of agreement and dispute are dynamic. New areas of agreement are secured, and issues evolve. In this way an increasingly sophisticated analysis of the policy question should be created. As long as change is universal, nothing can be known with certainty. However, because the nature of many scientific phenomena involves so many units behaving in a statistically defined fashion a measure of certainty can be achieved. In social systems, this degree of certainty can rarely be achieved. Here, generally, fewer variables are being considered, and their units behave in a much less predictable fashion.

II. By Isolating Areas of Disagreement. Areas of disagreement are motivated by disputes over value as well as fact. Argumentation

becomes involved with normative questions. In argumentation the advocate is seeking not only to describe events, but also to motivate action. While the advocate is encouraging the audience to change its belief or to take certain action, human scholarship has not yet developed a means of establishing objectively the criteria refined sufficiently for making decisions on a totally objective standard.

III. By Offering Quasi-Logical Arguments. Quasi-logical arguments attempt to break the stasis and define areas of disagreement. When argumentation employs the traditional method of causal analysis, it seeks to identify and evaluate the reasons for certain phenomena in analyzing policy systems. Unless these causal relations or correlations are discovered, the policymaker has no means of gauging the outcome of any action. Nevertheless, causal analysis is always contingent because there may be unknown variables operating upon the system and producing potentially spurious relationships.

IV. By Seeking to Predict the Outcome of Future Events. Not only does argumentation attempt to uncover existing causal relationships, but it further attempts to predict the outcome of future events and to determine why circumstances have been altered unpredictably. This element alone renders debate a contingent process. Since argumentation generally involves complex questions of policy, and since much of the information relevant to these questions is unknown and unknowable, the theories which link together the information are controversial and undeveloped.

V. By Allowing the Audience to Check the Method of the Advocate.

The audiences of the advocate play a key role in insuring that argumentation will be rational. These audiences have been discussed in Perelman's The New Rhetoric.[17]

A. The Advocate as Audience. Argument within one's own mind enables the individual to identify and confront those elements of his argument that derive from his personal and psychological make-up. It further enables the advocate to subject his argument to rigorous logical analysis, and to avoid self-deception by recognizing and eliminating those contentions which the advocate knows are fallacious. The advocate speaks to himself with some degree of objectivity, but there is no strong internal check against rationalizing, self-deception, and natural, unavoidable bias resulting from individual exposure to information and based upon one's own point of view and world perspective.

Everyone is a product of environment and heredity, and past conditioning will color almost everything we think or do. Argument within oneself is essential because psychological factors paradoxically impel one to ignore rational considerations. Argument within oneself is a means of confronting those elements of dispute that derive from psychological needs and emotional drives. It also encourages the individual to subject his argument to rigorous logical analysis and to gauge its effects upon his hearers by scrutinizing its effect upon himself. Internal discourse is also a way of involving the individual in the argument and motivating him to seek additional information and ideas.

B. The Adversary as Audience. The introduction of an opponent

renders the argument more reasonable and informative because the speaker does not wish to humiliate himself before his antagonist. Not only is nonrational uninformed argument the subject of ridicule, but it will rarely serve to validate the individual's contention in light of his opponent's objections. Competition serves as a spur to further research and analysis so that the arguer strengthens his contentions and assails those of his opponent more forcefully.

C. The Judge as Audience. Just as the presence of an opponent tends to make the individual more rational in his presentation, so the presence of a third party, a critic evaluator, still further enhances the chances that the argument will be rational. Knowing that his ideas are being evaluated and that a critical decision will be rendered, the advocate is constrained to be more objective and honest than is likely to be the case on one's own or even in light of wisdom provided by one's adversary. Consistent with the philosophy and method indicated for the previous two audiences, the third party, which can be virtually unlimited in number as a particular audience, operates as a potent motivating force to research and analysis. The larger the third party audience as evaluator, the more potent is its force upon the advocate, and the more its influence may modify, refine and improve upon his position. Indeed, the audiences act to check nonrational thought by exposing the advocate to possible ridicule and by exposing the advocate to competition.

D. The Universal Audience. The hypothetical, universal audience is the sum of the best judgment bases of the ideal audience. The arena

for potential criticism, exposure or complaint is extensive. In the ideal case, the advocate must guard against faulty reasoning and appeals to vested interests at the expense of sound logic and understanding. The more self-serving the advocate, whether to himself or to an immediate audience, the more likely a universal audience is to check such future occurrences and expressions of poor judgment. Argument directed to the universal audience assumes that the judges are individuals who reflect a high degree of objectivity and dispassion. These characteristics are ideals that, while never wholly attainable, constitute the standard toward which all individuals should strive. Characteristics of the idealized advocate and judge should include, furthermore, an informed and knowledgeable position, an intellectually competent and honest individual who is schooled in the process of argumentation, including theories of presumption and burden of proof, and an understanding of the obligation to carry forward one's argument and to extend it beyond that of one's adversary. Recall that the universal audience was defined by Joseph Wenzel in the introduction to this paper as all qualified judges or respondents.

The importance of formulating a theory of argumentation and rhetorical discourse that addresses the universal audience was discussed by Perelman in his book referred to above. This eminent author, theorist and philosopher has suggested pitfalls which may result from speakers' attempts to adapt exclusively to narrow views of limited and/or immediate particular audiences. In the process, the speaker might rely on arguments that are foreign or even directly opposed to those acceptable to persons

other than those he is presently addressing. Perelman indicates that: "This danger is apparent in the case of a composite audience, which the speaker has to resolve into its constituent parts for the purposes of his argumentation."[18]

The particular audience does not necessarily possess the wide-ranging characteristics of the universal audience, which was defined in this section as the sum of the best judgment bases of the ideal audience. Its evaluation criteria necessarily seek to maximize objectivity. While mathematical knowledge is necessary and certain, and we cannot conceive of future experience violating it,[19] the speaker must contend with an audience which may believe that the "sun will 'rise' in the west to-morrow, or that some day, in some conceivable asbestos world, fire will not burn stick; but we cannot for the life of us believe that two times two will ever make anything else than four."[20]

From this base the "highest point of argumentation is reached where there is agreement by the universal audience." In this case the reference is "not to an experimentally proven fact, but to a universality and unanimity imagined by the speaker, to the agreement of an audience which should be universal, since, for legitimate reasons, we need not take into consideration those which are not part of it."[21]

The universal audience is characteristic of the enlightened will and is "by no means always regarded as similar to" the elite audience.[22] While federalists[23] believed that intellectuals rather than politicians should run the government and rule the country and advocated "elitist"

control, the presidential advisors who urged military intervention in Vietnam would not be considered either qualified judges or representatives of the universal audience under Perelman's description. Ironically, in this case the CIA may have better adapted to the universal audience since it opposed United States military intervention in Vietnam from its very inception. From time to time, and in their time, all of the above might be considered "elitists" without necessarily representing the universal audience.

Nonetheless, "the value of unanimity depends on the number and quality of those expressing it."[24] "The elite audience embodies the universal audience only for those who acknowledge this role of vanguard and model. For the rest it will be no more than a particular audience. The status of an audience varies with the concepts one has of it."[25]

While David Hume maintained that, when in doubt, we must suspend judgment,[26] the world of policy-making does not permit such neutral ground. For not to make a decision is to decide. Ruling out the option to avoid making decisions, in a different context the United States Supreme Court has in effect suggested that some enlightened entity should be the final arbiter of right, wrong and truth. In its words: "Nor can we accept the...view that every potential speaker is 'the best judge' of what the listening public ought to hear or indeed the best judge of the merits of his or her views." (CBS v. DNC, 412, U.S. 94 (1973)) Although the Supreme Court was not addressing the universal audience discussed here, its statement underlines the importance

of combining sound audience analysis with thorough research on the substance of the subject matter.

1. "Should" Resolutions and the Rhetoric of Policy.

It is the universal audience which unites fact and value into policy. Although it is true that: "Logical positivism was unable, in itself, to provide the foundation for those value judgments because logical positivism does not allow the inference of a judgment of value from a judgment of fact,"[27] it is not true that the thesis that "ought" cannot be drawn from "is" negates any rational basis for making value judgments,[28] a position which John W. Ray[29] attributes to Chaim Perelman.[30] It will later be suggested Ray incorrectly observes that if Perelman's position were accepted, it "would negate any rational basis for value judgments."[31] On the contrary, it is the thesis of this work to suggest that the universal audience comprises the premises of policy systems advocacy.

The policy paradigm in systems analysis and in modern decision theory formulates a description of the logical structure for combining fact and value in policy dispute.[32] Although according to Perelman, empiricism cannot provide a satisfactory basis for morals,[33] Victor A. Thompson suggests an important role it may take in the process:

> It is generally accepted that in the empirical world we never have certainty...we either have probabilities or no knowledge at all. Thus, between an alternative and each consequence is a number expressing the probability (P) of the consequence occurring...Our utility yardstick comes next and includes our goal. With this yardstick we choose the alternative that, considering the probabilities, gives us the best ratio of plus values to minus values, or of the accomplishment to cost, which means the same thing.[34]

The position taken by this decision theorist, among others such as Kurt W. Back, Howard Raiffa and R. Duncan Luce,[35] does not imply that argumentation, rhetoric and decision-making constitute the mechanical computation of exact numerical functions: "Rather, through appropriate evidence and reasoning advocates seek estimates of probabilities and values that are as precise as possible, given limitations of information, time, and analytic techniques. Even practitioners of the natural sciences often work comfortably with ranges of probability and estimates of variance."[36] A policy systems approach to decision-making does not mean that argumentation is replaced by the mechanism of automatic procedures, but only that argument takes place within a clear and consistent format for the evaluation of controversy.

Edmund Husserl, one of this century's most esteemed philosophers, has noted that real world judgments are always probabilistic and never absolute. In his words:

> No perception, however perfect it may be, gives us anything absolute, within its domain...but in a certain way is always <u>contingent</u>. That means: It can always happen that the further course of experience will compel us to abandon what has already been set down and justified <u>in the light of empirical canons of rightness</u>.[37]

The "conviction that the most indispensible need in contemporary rhetoric is a scheme by which values can be identified and their

implications critically considered" has been defended and the framework outlined for carrying out this process.[38] In doing so Walter Fisher correlated the interaction between "ought" resolutions and "good reasons."[39] Elsewhere criteria for evaluating arguments on matters of both fact and value have been advanced.[40]

Although Perelman's "undefined universal audience"[41] is based upon non-empirical criteria, it "is invoked to pass judgment on what is the concept of the universal audience appropriate to such a concrete audience, to examine, simultaneously, the manner in which it was composed, which are the individuals who comprise it, according to adopted criterion, and whether this criterion is legitimate."[42] Ray's interpretation of Perelman's criteria suggests that Perelman combines two incompatible forms of discourse. The logical positivists argue that in terms of formal logic there cannot be a necessary connection between statements of "is" and "ought;" whereas Perelman contends that according to the informal logic of argumentation there is an interaction between "is" statements and "ought" statements such that acceptance of one type of statement can influence a listener's acceptance of the other. In this sense, Perelman's views neither contradict nor sustain those of the logical positivists and Ray, but are addressed to a different set of issues.

The purpose of Perelman's universal audience is not to advance widesweeping standards of rationality, but rather to demonstrate that the arguments of a speaker may be judged by an audience that transcends

the speaker himself and his particular listeners. Without the universal audience, there would be no check on argumentation other than that of the speaker and his immediate audience. Whenever a speaker is mindful of addressing posterity as well as his contempories, or of taking great pains to validate arguments, even when he could slip his statements or opinions by a particular audience, the advocate is at least partially addressing the universal audience. Without the universal audience, there could be no check on the ethics or rationality of argumentation and advocacy, and all canons of proof would be relative to particular audiences. For then there would be no notion of concepts of reasonableness or rationality toward which advocates could aspire.

The universal audience provides solid grounding for viewing advocacy through the logic of comparing policy systems. In the absence of such rational comparison, a serious question is raised. Encompassing our best notions of rationality and reasonableness short of the universal audience leaves the first and second audiences of any policy dispute--the advocate and the evaluator--at liberty to apply at his or her discretion in any given dispute whatever interpretation of rhetorical theory happened to suit his or her fancy. Once the universal audience is introduced, however, it behooves theorists to construct concepts of rhetorical theory that are broadly applicable to all forms of policy argumentation and firmly grounded in the logic of disputing resolutions of policy. Otherwise, rhetorical disagreement simply becomes a reflection of the arbitrary assumptions, predispositions and personal biases of individual advocates and critics.

Ray's analysis of Perelman's universal audience considers the question whether a value judgment is founded upon an arbitrary set of axioms rather than upon empirically derived factual documentation. Ray suggests that: "Perelman sought rules and rational bases for practical activity."[43] Fisher made a similar interpretation: "The general inappropriateness of formal logic to rhetorical reasoning has been well demonstrated by Toulmin and Perelman."[44] Ray and Fisher are both correct in the sense that while Perelman did seek something other than formal logic as a basis for his rhetorical reasoning, it should be noted that his criteria for policy determination are totally arbitrary and non-empirical, as Ray recognizes.[45]

2. Convincing, Persuading and the Elite Position.

The importance of the close interrelation between the universal and particular audience can further be seen by another instance in which Ray accurately interprets Perelman, though both Ray and Perelman open their positions to question. The argument initiated by Ray posits the following:

> (C)onviction seeks to affect the mind through reason while persuasion seeks to move the will. Perelman makes an even more important distinction: Persuasion adapts to a particular audience while convincing adapts to a universal audience.[46]

It is possible to address a particular audience for the purpose of convincing it to hold a belief rather than persuading it to take action. Such is the case, in some instances, when an educator espouses certain principles of his or her discipline, or when a member of the

clergy attempts to inspire his or her audiences to reaffirm their versions of theological or social doctrine. The fact that either objective may comprise examples of persuading to inspiration, enlightment or action only raises the question whether either Ray or Perelman distinguish properly between the universal and the particular audience. Just as the rhetoric of politicians and clerics often at once reflects both objectives, they may not always distinguish between the universal and the particular audience. Such a failure may be justified as will be later explained under the section entitled "Political Model."

Perhaps it is possible that the universal and particular audiences may not be separable in all respects. Ray deserves credit for bringing to light the plausibility of equating the two audiences in their application to rhetoric and public address. Some balancing of individual and societal needs may suggest that theorists and critics of argumentation and decision-making should consider the overlapping effects of these policy implications. This question will be pursued further in the next section on the subject of the culturebound audience.

It was suggested in the introductory definition of the universal audience that the elitist position is not always correct. Nevertheless, Perelman views the elitist audience as the universal audience, despite his qualifications which were identified in the earlier context. In his words, "the elite audience sets the norm for everybody. In this case, the elite is the vanguard all will follow and conform to. Its opinion is the only one that matters, for, in final analysis, it is the

determining one."[47]

The distinction between the elite and politicians' appeals to the public will is difficult to establish, as is illustrated in The Pentagon Papers.[48] Here it was a segment of the "elite" who encouraged the Vietnam intervention on the part of United States military forces. The soundness of such advice has been questioned, and for nearly two decades it has become the subject of criticism on many fronts.[49] Nevertheless, it is not the purpose of this paper to challenge the balance between action and inaction taken. In such cases perhaps only historical hindsight offers the true universal audience, or what the response of the United States should have been.[50]

3. The Culturebound and Timebound Audience.

Ray describes cogently Perelman's definition and perspective on the culturebound audience in the following terms:

> On the one hand, Perelman argues that the content of the universal audience is a pure, non-empirical product of reason, and, on the other hand, Perelman sees the universal audience as an empirical product of the orator's own culture and history.[51]

The attempt to articulate the universal audience endeavors to define non-relative standards of rationality that apply independent of

a given group or class of historical circumstances which they can never fully transcend. Thus elements of a particular audience necessarily intrude into any vision of the universal audience.

The universal audience is bound by all cultures, but not solely by one culture. In the words of Perelman, audiences "are not independent of one another," but "particular concrete audiences are capable of validating a concept of the universal audience which characterizes them...(I)t is the undefined universal audience that is invoked to pass judgment on what is the concept of the universal audience appropriate to such a concrete audience....It can be said that audiences pass judgment on one another."[52] Hence the universal audience is not totally culture-bound, yet it cannot escape being partially culturebound.

Obviously the individual incarnations of the universal audience must be culturebound, but the universal audience is not itself culture-bound. It is a standard of judgment that transcends cultures. Like the notion of the good, the universal audience is a concept that applies cross culturally. But any individual evaluation of what is good and bad, or any individual understanding of the universal audience, is influenced by culture.

Ray attempts to criticize Perelman's culturebound view of the universal audience in the following way:

> (T)he universal audience is excessively formal and abstract--too formal and abstract to provide a standard for rhetorical theory....
>
> Since it is the orator who creates a personal concept of the universal audience, Perelman's...rhetor has no way of

> knowing if that personal concept of the universal audience is correct. An individual orator can be mistaken in knowing what the universal audience is, and no individual automatically expresses the universal audience....
>
> If, on the one hand, judgments of the universal audience are supposed to have some timeless and absolute validity, and if each individual, in isolation, as Perelman says, forms a construct of the universal audience, are we to have as many universal audiences as we have speakers? Were this the case, we would face the anarchic situation of each individual's universal audience being as good as anyone else's universal audience, since no *a priori* standard is given which would enable us to choose between them.[53]

While Ray makes some perceptive observations in the statement referred to above, he may be viewed as tending to confuse the notion that there is an audience which goes beyond the speaker and listeners with particular interpretations of that universal audience. As was noted, the fact that different cultures may have different interpretations of what is good and just does not mean that the ideas of the good and the just are themselves culturebound. We are not forced to say that the good is what any particular culture or society finds it to be, for if that were the case each individual would be frozen into a cultural definition, and would never have a basis for changing his notion of the good and the just.

Similarly, we are not forced to take the relativistic position that there are as many universal audiences as there are different cultures. The universal audience is an open-ended idea that can never be bound by the individual cultures. Individuals, of course, within the limits of their cultures, can struggle to interpret the universal audience according to their best understanding of reasonableness and

rationality.

Despite this open-ended character, the idea of the universal audience still has force for a theory of argumentation. For it is only by reference to a universal audience whose nature the speaker can never fully determine that the speaker fashions arguments addressed to a higher standard of rationality than is represented by his particular audience. Arguments acceptable for a particular audience may still be wanting and judged by this higher standard expressed in the concept of the universal audience.

Although timebound individuals can never finally specify the timeless standards of the universal audience, the very notion that a speaker addresses a universal audience can have a decisive effect on rhetorical theory and criticism in general and upon argumentation in particular. Furthermore, it is possible to at once address both the universal and the particular audience effectively. Martin Luther King's "Letter from Birmingham Jail" is a magnificent example of such rhetoric.[54]

a. The Political Model.

In Birmingham, Alabama, on April 12, 1963, the Reverend Martin Luther King, Jr., in order to have himself arrested on a symbolic day (Good Friday), disobeyed an Alabama Supreme Court injunction against demonstrations. That same day, in the Birmingham News, King saw a public letter signed by eight leading Birmingham clergymen calling on the protesters to cease their activities and to work through the courts for the redress of their grievances.[55]

The letter of the clergymen addressed the propriety of civil disobedience and the timing of the protest, supporting the theses that "these demonstrations are unwise and untimely," and that: "When rights are consistently denied, a cause should be pressed in the courts."[56] The clergymen accused King and his followers of:

> (1) being led 'in part by outsiders,' (2) failing to negotiate, (3) inciting hatred and violence, (4) choosing an inappropriate time to act, (5) using extreme measures, (6) ignoring the courts as the correct avenue of redress, and (7) not observing the principles of 'law and order.'[57]

In response, King adopted a debater's stance and used his refutative logic to address two audiences simultaneously: his limited clerical audience as opponents and a broader public audience as observers. The "Letter" is adapted to both audiences on structural, logical, and stylistic levels.[58]

In addition to perhaps obscuring the definition and nature of the universal audience, Ray hints above that multiple universal audiences not only bar the adaptation of any given universal audience to any given particular audience, but further deny any possibility of understanding the relevant universal audience. It has been suggested that such was not the case of King's "Letter from Birmingham Jail," which met the criteria of formal argumentation. It is possible to generalize from this example, implying that contemporary communication and argumentation theory provide a coherent logic and standards for application in the universal audience and modern rhetorical criticism. The political model is not the only model which can and should derive from the premises of the universal audience, however. The policy systems model should be viewed in this light as well.

b. The Policy Systems Model.

In the section above which considered "should" resolutions and the rhetoric of policy, it was suggested that the means of fulfilling Perelman's objectives for the universal audience are available. The criteria for doing so have been spelled out.[59] Such a conclusion answers Ray's third objection that the universal audience fails to provide a conceptual framework for the application of logic and reasoning. Rather clearly, David Zarefsky makes the contrary point as follows:

> Lichtman and Rohrer, if not exactly breaking new ground, have consolidated much of their previous writing on the 'comparison of policy systems' model...into a succinct and cogent statement of position. The paper illustrates one of the major strengths of examining...theory in a paradigmatic way. Otherwise separate theoretical concepts and requirements are brought together and justified on the basis of the underlying logic of the paradigm rather than on arbitrary grounds, by invalid analogy to other fields, or by appeal to tradition.
>
> In addition, three features of the Lichtman-Rohrer paper are especially worthy of note. Their analysis of the meaning of 'should' and their precise specification of what it means to prove 'workability' should remove confusion. Their analysis of the factors determining the strength of presumption is a sorely-needed contribution to our understanding of that concept. And I am especially pleased that they do not ground their model in 'a vague analogy to role models of policy-makers in the political system,' an analogy that has begotten more fuzziness in our theoretical constructs than most. Hopefully, these contributions will be of value regardless of one's verdict on the basic model.
>
> One feature of a well-constructed model is that it is internally consistent; if one grants its basic assumptions, the various steps fall into place. It is unlikely to lead to self-defeating or patently absurd results. Hence one's choice of models for argument depends in large measure on his feeling comfortable with the initial premises.[60]

It is, of course, the initial premises which this work seeks to address.

While the policy systems model, which offers a rhetorical paradigm for the universal audience,[61] "avoids analogies to other forms of practice be it the scientist testing hypotheses, the voter opting for referenda, the jury rendering verdicts, or the congressman deciding on legislation..., (it) is potentially applicable to any forum in which speakers are charged with responsibility for affirming or denying proposed courses of action."[62] Hence the universal audience provides a logical construct for policy dispute and determination. Although it may not be well suited for propounding resolutions of fact alone, isolated from a consideration of values, it is well equipped as a vehicle for advocating resolutions of value and probability which embody policy and fact. For at least decades if not centuries scientists have recognized the hypothesis testing paradigm as the means of analyzing resolutions of fact. Yet in deciding how to apply their discoveries where policy is concerned, even they take into account values and probabilities.

It is through this means that the policy systems paradigm and the universal audience apply both the structuralist and phenomenological views of discourse to policy dispute by incorporating both methods and assuming a structural-developmental perspective, focusing on the processes whereby participants understand and interpret discourse. In this sense the policy systems model and the universal audience facilitate a form of constructivist criticism. Structuralist criticism analyzes the elements of the text and their interrelationships, whereas phenomenological criticism stresses the influence of the situation on discourse.[63]

c. The Legal Model.

The policy decision model, which is one of rationality and based on value and probability, has been considered in the interpretation and application of the First Amendment from the regulation of political dissent to the control of advertising.[64] It is also the rule of law in advertising, commercial speech and corporate advocacy.[65]

It is easy to note from an overview of court decisions that the law can be both culturebound and timebound. It changes with time, and it changes from state to state and jurisdiction to jurisdiction as well as from country to country.[66]

Yet it is difficult to claim that the legal model is either solely or entirely culturebound and timebound for in many ways it does transcend both time and culture. For example, while the Bill of Rights is constantly reinterpreted and reapplied, it remains a vanguard for which other nations strive or should strive. England achieves this goal by common law, which has the same effect. Similarly, such objectives are pursued through the International Code of Human Rights (specifically the Universal Declaration of Human Rights and the International Covenants on Human Rights and Optional Protocol), the International Court of Justice, the European Court of Human Rights, international treaties, and the work of groups and organizations such as the United Nations, Amnesty International, and the International Commission of Jurists.

The illusory nature of the so-called timebound and culturebound audience is especially apparent in anti-trust law. To take but one

example, "...a prime time show and a prime time show being rerun are not birds of the same feather: they comprise different markets, or sub-markets."[67] In this instance one may conclude that the audience is both timebound and culturebound. However, Ninth Circuit cases state that "...where a primary market exists in widgets, there cannot simultaneously exist a submarket in certain specific kinds of widgets.[68] Thus it might be argued that for anti-trust purposes, the market may not necessarily be either timebound or culturebound but rather universal.

In any event, the legal model is, at least to some extent, premised on the universal audience and policy systems probability. It is especially predominant as a standard of evidence, presumption and burden of proof in personal injury cases specifically, and in tort law and administrative hearings generally. The concept was illustrated in the full text of the conclusion of a paper presented at the 66th Annual Meeting of the Speech Communication Association of America.[69]

4. The General Will and the Categorical Imperative.

Finally, Ray argues that there is "much conceptual similarity among the universal audience, general will, and categorical imperative."[70] While there may indeed be many similarities among these theories, the similarities which Ray addresses are inconsistent with the references upon which he relies to support them. For example, Ray's attempt to compare the universal audience with Immanuel Kant's categorical imperative and with Jean-Jacque Rousseau's and Denis Diderot's general will fail because, unlike the categorical imperative or the general will, the universal audience does not constitute an effort to advance specific

standards of rationality for argumentation. Rather the invocation of the universal audience is simply a way of noting that there can be standards that transcend those of the individual speaker and his particular listeners. Thus, the universal audience is more like the idea of the good and the just itself rather than any given interpretation of the good or the just such as the general will or the categorical imperative.

By its very nature the standards implied in the universal audience must remain open-ended. Advocates can seek to interpret them as they are best able, but final specification is not possible for that would be to equate the universal audience with the characteristics of the particular audience.

Although the universal audience indirectly affects the ethics of argument by setting forth an indeterminate group of listeners beyond the speaker and his particular audience, it does not establish any given standards or criteria of ethics and morality. Thus to the extent that the categorical imperative and the general will may fail in specifying standards for ethics and morality,[71] a thesis which Ray claims but never establishes,[72] such a failure has no relevance to the universal audience.

Conclusion

While Ray is correct in claiming that: "Perelman even goes so far as to argue that the universal audience loses all validity when it is concerned with particular situations,"[73] Ray loses his grasp of the

universal audience when he continues with the qualification: "But the arguments which are faced in a speech are rarely concerned with purely formal, abstract questions of right, but, rather, with practical courses of action in the empirical world."[74] Ray thinks the universal audience serves as a framework for substantive argumentation rather than a perspective from which the advocate may view and address his audience. The problem with such an interpretation is that what he calls an abstraction is the necessary open-ended character of the universal audience.

Without the universal audience argumentation may indeed be practical in the narrow sense that it manipulates others to action. But, without the universal audience, argument can never be rational, ethical or moral. In Ray's unique world of argumentation, the rhetoric of an Adolph Hitler would stand on the same footing as the rhetoric of a Martin Luther King.

Philosopher John Kekes casts an illuminating insight on the consequences of Ray's theory of rhetorical criticism in the following words:

> If it were true that nothing could be justified by reason, then all honestly held convictions would have an equal claim upon general acceptance, and argument would, indeed, be replaced by 'passionate intensity.' This would be a dangerous and undesirable situation, for the inevitable conflicts could then be settled only by force. The civilizing restraint of debate and criticism would disappear. If rationality is abandoned, then either 'anarchy is loosed upon the world,' or dogmatism supported by brute force would prevail.[75]

It is easier to discuss the universal audience in a policy systems context, and to discuss the premises of systems policy dispute in terms of the universal audience, than it is to define cogently the relationship between the two. Anatol Rapoport alluded to the problem of definitions

in the following way: "It is not possible to give precise definitions for either 'system' or 'theory' because both of these words are understood in several different senses, all equally legitimate, being sanctified by wide usage. However, in the interest of clarity, it is advisable to spell out the different meanings of these words and to keep track as we pass from one to another."[76]

Ludwig Von Bertalanffy attempts to combine the two terms for broad usage. He suggests: "...we can conclude that there are models, principles, and laws that apply to generalized systems or their subclasses, irrespective of their particular kind, the nature of their component elements, or the relations of 'forces' between them. It seems legitimate, therefore, to postulate a theory, not of systems of a more or less special kind, but of universal principles applying to systems in general... This is the basis for the development of a new discipline, called general systems theory. It is directed toward the formulation and derivation of those principles which are valid for 'systems' in general."[77]

Von Bertalanffy summarizes the framework of general systems theory in the following way:

> (1) There is a general tendency towards integration in the various sciences, natural and social.
> (2) Such integration seems to be centered in a general theory of systems.
> (3) Such theory may be an important means for aiming at exact theory in the non-physical fields of science.
> (4) Developing unifying principles running 'vertically' through the universes of the individual sciences, this theory brings us nearer to the goal of the unity of science.
> (5) This can lead to a much-needed integration in scientific education.[78]

Rapoport summarizes three different aspects of theory, giving them emphasis in different senses of the term:

> One is the logical or deductive component of a theory (as in mathematics). One is the predictive content of a theory (as in natural sciences). One is the heuristic aspect of a theory, its ability to provide intellectual points of leverage for investigations...
>
> The value of heuristic theories is in the opportunity they offer to look at things in a new way and so to gain a measure of 'understanding,' not yet justified by the hard criteria of a mature science but necessary for continuing the search. Actually all science began as dawning of an intuitive understanding of how 'things hang together.'
>
> Systems theory can be viewed from all three of these perspectives, and we shall so describe it.[79]

The relationship between the general systems theory and the universal audience lies in their united force as a means of creating, organizing, documenting, presenting and evaluating rhetorical and argumentative discourse. Charles W. Kneupper and Floyd D. Anderson have addressed "the problem of insuring that students acquire thoughtfulness, knowledge, and wisdom, as well as the skills and techniques of eloquent expression, in interpersonal and public communication."[80] It is the position of this writer that an understanding of the universal audience and its component parts, the political model, the policy systems model, and the legal model, serves as a useful tool in facing the rhetorical and pedagogical needs discussed by Kneupper and Anderson.

Endnotes

1. Bruce E. Gronbeck, "From Argument to Argumentation: Fifteen Years of Identity Crisis," Proceedings of the Summer Conference on Argumentation, eds., Jack Rhodes and Sara Newell (Sponsored by the Speech Communication Association of America and the American Forensic Association, 1980), 9.

2. Ibid., 10.

3. Douglas Ehninger and Wayne Brockriede, Decision by Debate (New York: Dodd, Mead, and Co., 1963).

4. Gronbeck, op. cit., 8.

5. The terms "argument," "argumentation," and "debate" are used interchangeably in this paper. David A. Thomas has defined and distinguished each in the following way:

> Argument: There are two senses of this term important to debaters. In the first sense, an argument is a message consisting of a conclusion supported by a reason documented by evidence. The emphasis is on credible proof and logical structure. (See Toulmin Model.) In the second sense, an argument is a confrontation between two parties in disagreement over a claim. The emphasis is on refutation. (See Clash, Rebuttal, Refutation.) Thus, a debater can make an argument which is tested against the standards of evidence and logic; two debaters can have an argument with each other which one or the other wins on the basis of his refutation of his opponent.
>
> Argumentation: The study and/or use of argument, consisting of the dual process of discovering the probable truth of an issue through analysis and research and advocating it to an audience through appropriate logical, ethical, and persuasive techniques.
>
> Debate: A contest of argumentation. An affirmative team presents arguments in favor of a resolution, and a negative team presents arguments against it. The contest is won by the team which presents the best arguments, according to the rules.
>
> See David A. Thomas, ed., Advanced Debate (Skokie: National Textbook Company, 1979), 473-476.

6. Joseph W. Wenzel, "Perspectives on Argument," Proceedings of the Summer Conference on Argumentation, op. cit., 113. See also, Wayne Brockriede, "Where is Argument?" Journal of the American Forensic Association, 11 (Spring 1975), 179-182; Daniel J. O'Keefe, "Two Concepts of Argument," JAFA, 13 (Winter 1977), 121-123; Wayne Brockriede, "Characteristics of Arguments and Arguing," JAFA, 13 (Winter 1977), 129-132.

7. Wenzel, Ibid.

8. Ray E. McKerrow, "Argument Communities: A Quest for Distinctions," Proceedings of the Summer Conference of Argumentation, op. cit., 214.

9. Ibid.

10. Ehninger and Brockriede, op. cit., 224-225.

11. Wenzel, op. cit., 115.

12. Gronbeck, op. cit., 9.

13. Wenzel, op. cit., 123-124.

14. Henry W. Johnstone, Jr., "Rationality and Rhetoric in Philosophy," Quarterly Journal of Speech, 59 (December 1973). See also, Henry W. Johnstone, Validity and Rhetoric in Philosophical Argument: An Outlook in Translation (University Park, Pennsylvania: The Dialogue Press of Man & World, 1978); and Maurice Natanson and Henry W. Johnstone, Jr., eds., Philosophy, Rhetoric, and Argumentation (University Park: Penn. State Univ. Press, 1965).

15. Gronbeck, op. cit., 13.

16. Allan J. Lichtman, Daniel M. Rohrer and Jerome R. Corsi, "Policy Systems Analysis in Debate," Advanced Debate, ed., David A. Thomas (Skokie: National Textbook Company, 1979), 375-390; Bernard L. Brock and Steven D. Fieldman, "The Case Comparison Format: An Experimental Format for Intercollegiate Debate," Journal of the American Forensic Association, 9 (Spring 1973), 450-457; Lichtman, Rohrer and Corsi, "Decision Rules in Policy Debate: Presumption and Burden of Proof," ed., Thomas, op. cit., 42-69; Lichtman and Rohrer, "A General Theory of the Counterplan," ed., Thomas, Ibid., 200-212; JAFA, 12 (Fall 1975), 70-79.

17. Ch. Perelman and L. Olbrechts-Tyteca, The New Rhetoric, translated by John Wilkinson and Purcell Weaver (Notre Dame:

University of Notre Dame Press, 1969), 30. Here the four audiences discussed below are coalesced into three. Perelman's second audience, "the single interlocuter whom the speaker addresses in a dialogue," combines the second and third particular audiences which are discussed in the following pages. They include everyone from a single interlocuter identified as Perelman's second audience to an adversary, and adversary and a judge or judges, and their immediate audience short of the universal audience.

18. Ibid., 31.

19. Will Durant, The Story of Philosophy, Ch. VI, "Immanuel Kant and German Idealism" (New York: Pocket Books, 1953), 267.

20. Ibid.

21. Perelman, Ibid.

22. Ibid., 34. Under a section entitled "Debate as a Search for the Wisest Decision," Ehninger and Brockriede point out that "...the purpose of any debate is to arrive at the best possible solution to the problem that motivated it." Decision by Debate (New York: Harper and Row, 1978), 15.

23. J. and A. M'lean, eds., Federalist Papers (New York: Washington Square Press, 1964); Alexander Hamilton, James Madison, and John Jay (New York: New American Library, 1961).

24. Perelman, Ibid., 31.

25. Ibid., 34.

26. Michael Polanyi and Harry Prosch, Meaning (Chicago: University of Chicago Press, 1975), 42.

27. John W. Ray, "Perelman's Universal Audience," Quarterly Journal of Speech, 64 (December 1978), 362.

28. Ibid.

29. It might be kept in mind that Perelman's position may vary in some respects from one book to another.

30. Ibid., 363.

31. Ibid., 362.

32. Allan J. Lichtman and Daniel M. Rohrer, "The Logic of Policy Dispute," Journal of the American Forensic Association, 16 (Spring 1980), pp. 236-247. The policy systems model is simply a comparison of policy options for the purpose of accepting the better or best regardless of the extent of its weaknesses or liabilities.

33. Ray, op. cit.

34. Victor A. Thompson, "Decision Theory, Pure and Applied," General Learning Press (1971); see also, Kurt W. Back "Decisions under Uncertainty," The American Behavioral Scientist, 4 (1961); Howard Raiffa, Decision Analysis (Reading, Mass.: Addison-Wesley, 1968); R. Duncan Luce and Howard Raiffa, Games and Decisions (New York: Wiley, 1957). Nevertheless, it is freely acknowledged that empiricism alone is an unsatisfactory basis for morals.

35. Ibid.

36. Lichtman and Rohrer, op. cit.

37. Edmund Husserl, Ideas: General Introduction to Pure Phenomenology, trans. W.R. Boyce Gibson (London: Collier MacMillan, 1931), 131.

38. Walter R. Fisner, "Toward a Logic of Good Reasons," QJS, 64 (December 1978), 376-384.

39. Ibid., p. 378. For further consideration of the "is-ought" problem, see William H. Bruening, The Is-Ought Problem: Its History, Analysis, and Dissolution (Washington, D.C.: Univ. Press of America, 1978).

40. Lichtman and Rohrer, op. cit.; "Role of the Criteria Case in the Conceptual Framework of Academic Debate," in Modern Debate Case Techniques, ed., Donald Terry (Skokie: National Textbook, 1970), 20-61; "Policy Systems Analysis in Debate," in Advanced Debate, ed., David Thomas (Skokie: National Textbook, 1979), 375-390; "The Role of Empirical Evidence in Debate: A Systems Approach," in Ibid., 272-286; see also Malcolm O. Sillars, "Audiences, Social Values, and the Analysis of Argument," Speech Teacher, 22 (September 1973); David A. Thomas, "Debate and the Church of Reason," in Perspectives on Forensics, eds., Donald W. Kloph and Takehide Kawashima (Tokyo: Gaku Shobo, 1978); Ronald J. Matlon, "Debating Propositions of Value," JAFA, 14 (Spring 1978), 194-204; Joseph W. Wenzel, "Toward a Rationale for Value-Centered Argument," JAFA, 13 (Winter 1977), 150-158. It was noted in the "Criteria Case" article identified above that when there is an absolute conflict of values on the primary level, they can be resolved by finding some

common ground on the subsidiary level. Taking a more contemporary illustration, for example, individuals my disagree on the ount of food the United States should give to third world nations. Yet on a lower level they may be persuaded to accept the Malthusian law which states that the increase of a population is greater than that of its resources and ultimately agree that a greater effort should be made to enhance the resources of third world nations.

41. Perelman, op. cit., 35.

42. Ibid.

43. Ray, op. cit., 362.

44. Fisher, op. cit., 377.

45. Ray, op. cit.

46. Ibid., 363.

47. Perelman, op. cit., 34.

48. The Senator Gravel Edition, Pentagon Papers: The Defense Department History of United States Decision-Making on Vietnam (Boston: Beacon Press, 1971) 4 vols.; see also David Halberstam, The Best and the Brightest (New York: Random House, 1972), 1-688.

49. Daniel M. Rohrer, Mark G. Arnold, and Roger L. Conner, By Weight of Arms: America's Overseas Military Policy (Skokie: National Textbook 1969, reprinted with new introduction, 1970), 1-153; Daniel M. Rohrer, Freedom of Speech and Human Rights (Dubuque: Kendall/Hunt, 1979), 1-352 in general and 70-78 in particular on Iran as another example.

50. Daniel M. Rohrer, "Debate as a Liberal Art," in Thomas, ed., op. cit., 3-11; also see Freedom of Speech and Human Rights, Ibid., and By Weight of Arms, Ibid.

51. Ray, op. cit., 364.

52. Perelman, op. cit., 35.

53. Ray, op. cit., 372.

54. Richard P. Fulkerson, "The Public Letter as a Rhetorical Form: Structure, Logic, and Style in King's 'Letter from Birmingham Jail,'" QJS, 67 (April 1979), 121-136.

55. Ibid., 121.

56. Ibid., 122.

57. Ibid., 122-123.

58. Ibid., 121-136.

59. Daniel M. Rohrer, "A Universal Paradigm of Argumentation Theory," Resources in Education (September 1979), ED 169 570.

60. David Zarefsky, "Response to Lichtman and Rohrer," paper presented at the SCA convention, San Antonio, November 1979.

61. Lichtman and Rohrer, JAFA, op. cit.

62. Ibid., Unedited version.

63. Barbara Warnick, "Structuralism vs. Phenomenology: Implications for Rhetorical Criticism," QJS, 65 (October, 1979), 250-261; for another helpful view see, Ray E. McKerrow, "On Fields and Rational Enterprises: A Reply to Willard," Proceedings of the Summer Conference on Argumentation, op. cit., 401-413; also relevant to this analysis are works by Charles W. Kneupper, "On Argument and Diagrams," JAFA, 14 (Spring 1978); Paradigms and Problems: Alternative Constructivist/Interactionist Implications for Argumentation Theory," JAFA, 15 (Spring 1979); "Rhetorical Argument, and Social Reality: A Social Constructivist View," JAFA, 17 (Winter 1980), 173-181; see also, Brant R. Burleson, "On the Real Utility of Descriptive Diagrams for the Analysis and Criticism of Arguments: A Reply to Willard and Substantive Extension," Annual Meeting of the Speech Communication Association of America, Minneapolis, November 4, 1978; "On the Analysis and Criticism of Arguments: Some Theoretical and Methodological Considerations," JAFA, 15 (Winter 1979), 137-147; for a contrasting point of view, see Charles Arthur Willard, "On the Utility of Descriptive Diagrams for the Analysis and Criticism of Arguments," Communication Monographs, 43 (1976), 308-319; "A Reformulation of the Concept of Argument: The Constructivist/Interactionist Foundations of a Sociology of Argument," JAFA, 14 (Winter 1978); "Argument as Non-Discursive Symbolism," JAFA, 14 (Spring 1978); "The Epistemic Functions of Argument: Reasoning and Decision-Making from a Constructivist/Interactionist Point of View," JAFA, 15 (Winter 1979); Part II, JAFA, 15 (Spring 1979).

64. Daniel M. Rohrer, Mass Media, Freedom of Speech, and Advertising: A Study in Communication Law (Dubuque: Kendall/Hunt, 1979), see in particular chapter 1 entitled "A Rationality Standard for the First Amendment," 1-34.

65. Ibid., 1-700.

66. See Williamson v. Johnson, 62 Vt. 378, 20 A. 279 (1980); Splendore v. Guglielmo, 205 Misc. 941, 129 N.Y.S. 2d 374 (1954); in England, etc., still other versions of this issue may be observed.

67. United States v. CBS Inc., 459 F. Supp. 832, 839 (1978).

68. U.S. v. CBS, supra.

69. Daniel M. Rohrer, "Presumption and Burden of Proof in Legal, Legislative and Administrative Hearings," Annual Meeting of the Speech Communication Association of America, New York City, November 16, 1980, 19-23.

70. Ray, op. cit., 372.

71. Ibid.; see, for example, Immanuel Kant, Critique of Pure Reason (New York: Doubleday, 1966); Theordore M. Greene, Kant: Selections (New York: Charles Scribner's Sons, 1929, 1957); Robert Paul Wolff, Foundations of the Metaphysics of Morals: Immanuel Kant (Indianapolis: Bobbs-Merrill, 1969); D.P. Dryer, Kant's Solution for Verification in Metaphysics (London: George Allen & Unwin, 1966); Jean-Jacques Rousseau, The Social Contract (New York: Penguin, 1968). Even the Skeptic, David Hume, who inspired Immanuel Kant to write Critique of Pure Reason penned an attempt to introduce the experimental method of reasoning into moral subjects. His Treatise of Human Nature constitutes the classic empirical statement on the origin and limits of knowledge, and its relation to morality. See David Hume, A Treatise of Human Nature, E.G.C. Macnabb, ed. (New York: World Publishing, 1962).

72. It has been shown above that it is not the goal of the universal audience to establish standards of ethics and morality.

73. Ray, op. cit., 375.

74. Ibid.

75. John Kekes, A Justification of Rationality (Albany: State University of New York Press, 1976), 1.

76. Anatol Rapoport, "Modern Systems Theory--An Outlook for Coping with Change," General Systems Theory and Human Communication, by Brent D. Ruben and John Y. Kim (Rochelle Park, New Jersey: Hayden Book, 1975), 33.

77. Ludwig Von Bertalanffy, "General Systems Theory," Ibid., 7.

78. Ibid., 8-9.

79. Rapoport, 37.

80. Charles W. Kneupper and Floyd D. Anderson, "Uniting Wisdom and Eloquence: The Need for Rhetorical Invention," QJS, 66 (1980), 313; see also Daniel M. Rohrer, "Spread Debate and Public Debate: A Comparative Viewpoint," Annual Meeting of the Speech Communication Association of America, Minneapolis, November, 1978; expanded in "A Universal Paradigm of Argumentation Theory," op. cit.